

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KENDALL PHILIPS,	:	
Petitioner	:	
	:	
v.	:	Civil No. 2:20-cv-01355-JMG
	:	
BARRY SMITH, <i>et al.</i> ,	:	
Respondents.	:	

ORDER

AND NOW, this 18th day of November, 2020, upon careful and independent consideration of the petition for Writ of Habeas Corpus, together with the responses thereto, and after review of the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa, **IT IS HEREBY ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**.
2. The petition for Writ of Habeas Corpus is **DISMISSED** with prejudice.
3. There is no probable cause to issue a certificate of appealability.
4. The Clerk of the Court shall mark this case closed for statistical purposes.

BY THE COURT:

/s/ John M. Gallagher
JOHN M. GALLAGHER
United States District Court Judge